

REMARKS

Claims 1-30 remain for consideration in this application. Applicants request reconsideration of the rejections in view of the remarks set forth below.

Claims 1-30 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

The office Action objects to the references to the vehicle, and the floor and roof of the vehicle in the claims. The Office Action indicates that the claims are examined in view of the seat only. For example, in claim 1, the preamble refers to a “seat for a vehicle” and the second line of the claim refers to a floor and a roof of the vehicle. It is submitted that the language in the claims is not inconsistent.

The vehicle, including its floor and roof are inferentially claimed in this application. It is clear (as recognized in the Office Action) that the claims are drawn to the seat, or seats, and the inferentially claimed vehicle (including the floor and the roof) merely provide an environment for the claimed elements of the seats. Incidentally, the “central pillar”, set forth in all of the claims, is a structural element of the seat or seats. In fact, claims in both Lohr and Grieger (references applied in the Office Action) have inferentially cited elements which provide an environment in which the claimed invention exists. Accordingly, it is submitted that the language of the claims is proper and is used in a manner commonly used in the patent field. Thus, it is respectfully requested that the above rejection be withdrawn.

Claims 1, 6, 8, 10, 12, 25 and 28 are rejected under 35 U.S.C. §102(e) as being anticipated by Lohr (USP 6,568,735).

Lohr discloses a seat which is designed to be attached inside of a public transportation vehicle such as a tramway, a metro, a bus, or any other urban passenger transport vehicle. Lohr further states that its seat could also be used in a train car, a railway station or even a waiting area for an urban transport vehicle. In Fig. 1, Lohr illustrates a vertical support 11 from which a seat structure is mounted. The seat structure is formed of side pieces 3, 4 and crosspieces 5,5. Side pieces 3 and 4 each have a vertical branch 6 and a horizontal branch 7. A seating support 2 includes an upper portion 8 and a lower portion 9. Lohr describes the seat support 2 as being, “in the form of a single thin plate” (Col. 4, line 17.)

Clearly, Lohr is directed to a mass transit vehicle, and the vertical support 11 is not a “central pillar”. Vertical support 11 is located on the side, or outer edge, of the vehicle in which it is used. The claimed “pillar” (as recited in all claims) is a “central pillar”. This means it is to be disposed generally in the central portion of the vehicle which is its environment. Such a central pillar would not be useful for a mass transportation vehicle, because it is the whole point of Lohr to remove structure (such as legs of a seat) from the central portion of the vehicle. Accordingly, Lohr does not have a central pillar and cannot anticipate the above claims.

Additionally, in Lohr, the seat bottom 9 is not “fixed to and supported by said lower rib.” If cross piece 5 of Lohr is a lower rib, as intended by the Office Action, the seat bottom is not fixed to such cross piece 5. Furthermore, the seat back is also not “fixed to and supported by” the rib or

cross piece 5 of Lohr. Accordingly, it is submitted that Lohr cannot anticipate the above described elements recited in the claims.

Accordingly, since Lohr does not disclose each and every element required by independent claims 1, 25 and 28, then those claims, as well as the claims dependent therefrom, cannot be anticipated by Lohr. Thus, it is respectfully requested that the above rejection also be withdrawn.

Claims 1-4, 6-8, 14-23 and 25-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Grieger (USP 5,868,452) in view of Lohr.

Grieger is directed to a bench seat for a motor vehicle, in particularly camping cars consisting of a bent seat frame with a seat back and back rest for at least two persons. In Grieger, only Figs. 2 and 5 disclose a seat with a center column 6. In all these embodiments, the seats are supported essentially from the vehicle floor. "Fig. 1 shows a side view of a bench seat 1 being uprightly mounted on a vehicle floor 2." (Col. 3, lines 39, 40). The specification goes on to say that, "Another aspect is that the bench seat frame 3 may be mounted on the vehicle floor 2 independently from column 6. However, in a preferred embodiment, the bench seat frame 3, bearing the seat 4 is well connected with the column 6, in particular bolted, as indicated by the schematically plotted corner straps 18 at the bottom of the bench seat frame 3." (Col. 4, lines 20-26.) Even in Fig. 5, the diagonal struts 13 support the bench seat from the floor, or at least from coupling flange 9, which is essentially the same thing.

Applicants fail to find that what the Office Action suggests is the same as the "center support extending forwardly from said center pillar" of claim 1. However, claim 1 also indicates

By: **Michael WIEDEMAN, et al.**

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that a lower rib extends “laterally from said center support”. This is not the case in Grieger.

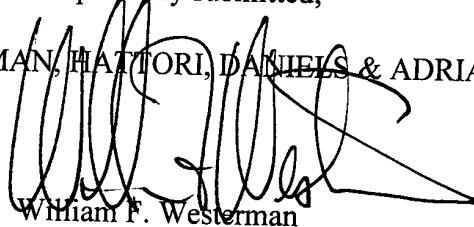
Accordingly, it is submitted that Grieger is not a proper reference for rejecting claim 1, even when combined with Lohr.

In view of the remarks set forth above, distinguishing the claimed invention from the cited prior art references, applicants submit that the Examiner’s objections and rejections have been overcome and that claims 1-30 are allowable.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A large, stylized handwritten signature in black ink, appearing to read 'W. F. Westerman', is written over the printed name and firm name.

William F. Westerman
Attorney for Applicant
Registration No. 29,988

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